

AMENDED IN ASSEMBLY MAY 12, 2008

AMENDED IN SENATE MARCH 25, 2008

AMENDED IN SENATE FEBRUARY 26, 2008

SENATE BILL

No. 1107

Introduced by Senator Correa

January 16, 2008

An act to amend Sections 798.34 and 799.9 of, and to add Sections 798.29.6 and 799.11 to, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1107, as amended, Correa. Mobilehome parks: ~~handicapped facilities; caregivers;~~ *disabled accommodations and caregivers.*

The Mobilehome Residency Law governs residency in mobilehome parks and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property.

This bill would require the management of a mobilehome park to permit a homeowner or resident to install ~~handicapped facilities to accommodate~~ *accommodations for* the disabled on the home or the site, lot, or space on which the mobilehome is located, under specified conditions. *The bill would specify that these provisions are not exclusive.*

Existing law authorizes a homeowner who is 55 years of age or older and has a tenancy in a mobilehome park under a rental agreement to share his or her mobilehome with any person over 18 years of age if that person is providing live-in health care or live-in supportive care to the homeowner pursuant to a written treatment plan prepared by the

homeowner's physician, and prohibits the management of the mobilehome park from charging a fee for that person. A similar provision applies if the homeowner has an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park in which the homeowner's mobilehome is located and a person provides live-in health care, live-in supportive care, or supervision to the homeowner. The person providing care or supervision does not have rights of tenancy in the mobilehome park.

This bill would expand those provisions to apply to any homeowner without regard to age.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.29.6 is added to the Civil Code, to
2 read:

3 798.29.6. The management shall not prohibit a homeowner or
4 resident from installing ~~facilities to accommodate~~ accommodations
5 for the disabled on the home or the site, lot, or space on which the
6 mobilehome is located, including, but not limited to, ramps or
7 handrails on the outside of the home, as long as the installation of
8 those facilities complies with code, as determined by an
9 enforcement agency, and those facilities are installed pursuant to
10 a permit, if required for the installation, issued by the enforcement
11 agency. *This section is not exclusive and shall not be construed to*
12 *condition, affect, or supersede any other provision of law or*
13 *regulation relating to accessibility or accommodations for the*
14 *disabled.*

15 SEC. 2. Section 798.34 of the Civil Code is amended to read:

16 798.34. (a) A homeowner shall not be charged a fee for a guest
17 who does not stay with him or her for more than a total of 20
18 consecutive days or a total of 30 days in a calendar year. A person
19 who is a guest, as described in this subdivision, shall not be
20 required to register with the management.

21 (b) A homeowner who is living alone and who wishes to share
22 his or her mobilehome with one person may do so, and a fee shall
23 not be imposed by management for that person. The person shall
24 be considered a guest of the homeowner and any agreement

1 between the homeowner and the person shall not change the terms
2 and conditions of the rental agreement between management and
3 the homeowner. The guest shall comply with the provisions of the
4 rules and regulations of the mobilehome park.

5 (c) A homeowner may share his or her mobilehome with any
6 person over 18 years of age if that person is providing live-in health
7 care or live-in supportive care to the homeowner pursuant to a
8 written treatment plan prepared by the homeowner's physician. A
9 fee shall not be charged by management for that person. That
10 person shall have no rights of tenancy in the park, and any
11 agreement between the homeowner and the person shall not change
12 the terms and conditions of the rental agreement between
13 management and the homeowner. That person shall comply with
14 the rules and regulations of the mobilehome park.

15 (d) A senior homeowner who resides in a mobilehome park that
16 has implemented rules or regulations limiting residency based on
17 age requirements for housing for older persons, pursuant to Section
18 798.76, may share his or her mobilehome with any person over
19 18 years of age if this person is a parent, sibling, child, or
20 grandchild of the senior homeowner and requires live-in health
21 care, live-in supportive care, or supervision pursuant to a written
22 treatment plan prepared by a physician and surgeon. Management
23 may not charge a fee for this person. Any agreement between the
24 senior homeowner and this person shall not change the terms and
25 conditions of the rental agreement between management and the
26 senior homeowner. Unless otherwise agreed upon, park
27 management shall not be required to manage, supervise, or provide
28 for this person's care during his or her stay in the mobilehome
29 park. This person shall have no rights of tenancy in the park, but
30 shall comply with the rules and regulations of the mobilehome
31 park. A violation of the mobilehome park rules and regulations by
32 this person shall be deemed a violation of the rules and regulations
33 by the homeowner pursuant to subdivision (d) of Section 798.56.
34 As used in this subdivision, "senior homeowner" means a
35 homeowner who is 55 years of age or older.

36 SEC. 3. Section 799.9 of the Civil Code is amended to read:

37 799.9. (a) A homeowner may share his or her mobilehome
38 with any person 18 years of age or older if that person is providing
39 live-in health care, live-in supportive care, or supervision to the
40 homeowner pursuant to a written treatment plan prepared by a

1 physician and surgeon. A fee shall not be charged by management
2 for that person. That person shall have no rights of tenancy in, and
3 shall comply with the rules and regulations of, the subdivision,
4 cooperative, or condominium for mobilehomes, or resident-owned
5 mobilehome park.

6 (b) A senior homeowner who resides in a subdivision,
7 cooperative, or condominium for mobilehomes, or a
8 resident-owned mobilehome park, that has implemented rules or
9 regulations limiting residency based on age requirements for
10 housing for older persons, pursuant to Section 799.5, may share
11 his or her mobilehome with any person 18 years of age or older if
12 this person is a parent, sibling, child, or grandchild of the senior
13 homeowner and requires live-in health care, live-in supportive
14 care, or supervision pursuant to a written treatment plan prepared
15 by a physician and surgeon. A fee shall not be charged by
16 management for that person. Unless otherwise agreed upon, the
17 management shall not be required to manage, supervise, or provide
18 for this person's care during his or her stay in the subdivision,
19 cooperative, or condominium for mobilehomes, or resident-owned
20 mobilehome park. That person shall have no rights of tenancy in,
21 and shall comply with the rules and regulations of, the subdivision,
22 cooperative, or condominium for mobilehomes, or resident-owned
23 mobilehome park. As used in this subdivision, "senior homeowner"
24 means a homeowner or resident who is 55 years of age or older.

25 SEC. 4. Section 799.11 is added to the Civil Code, to read:

26 799.11. The ownership or management shall not prohibit a
27 homeowner or resident from installing ~~facilities to accommodate~~
28 *accommodations for the disabled* on the home or the site, lot, or
29 space on which the mobilehome is located, including, but not
30 limited to, ramps or handrails on the outside of the home, as long
31 as the installation of those facilities complies with code, as
32 determined by an enforcement agency, and those facilities are
33 installed pursuant to a permit, if required for the installation, issued
34 by the enforcement agency. *This section is not exclusive and shall*
35 *not be construed to condition, affect, or supersede any other*
36 *provision of law or regulation relating to accessibility or*
37 *accommodation for the disabled.*

1 ~~SEC. 5.—Sections 1 and 4 of this act are nonexclusive and shall~~
2 ~~not be construed to supersede other provisions of law relating to~~
3 ~~accessibility or accommodations for the disabled.~~

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